

Council/Agency Meeting Held: _____	City Clerk's Signature _____
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: 12/6/2004	Department ID Number: CS04-038

CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS
SUBMITTED BY: *Penelope Culbreth Graft*
 PENELOPE CULBRETH-GRAFT, CITY ADMINISTRATOR
PREPARED BY: JIM B. ENGLE, DIRECTOR, COMMUNITY SERVICES
SUBJECT: TERMINATION OF AGREEMENT WITH RACE PACE
 PROMOTIONS TO PROVIDE THE PACIFIC SHORELINE
 MARATHON IN HUNTINGTON BEACH

2004 NOV 22 P 4:36
 CITY CLERK
 CITY OF
 HUNTINGTON BEACH, CA

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: Race Pace Promotions, producers of the Pacific Shoreline Marathon, wishes to terminate its agreement with the city.

Funding Source: N/A

Recommended Action: Waive the eleven-month notice provision, and accept Race Pace Promotions' request for termination of its agreement with the city to conduct the Pacific Shoreline Marathon..

Alternative Action(s): Direct staff to seek another promoter to conduct an annual marathon.

Analysis: On September 20, 1999, the city entered into an agreement with Race Pace Promotions to operate the Pacific Shoreline Marathon in the city on Superbowl Sunday from 2000 to 2009. The agreement included a provision (Attachment 1) that either party could terminate the agreement by providing eleven months written notice. On October 26, 2004, the Community Services Department received a letter from Herb Massinger, President of Race Pace Promotions (Attachment 2), that he would no longer conduct the Pacific Shoreline Marathon, even though the agreement has five years remaining on its term.

Staff is having discussions with another promoter to conduct the 2005 marathon. The event will be processed through the normal Specific Events Committee and permit procedure. Staff anticipates recouping all direct costs for the event. In anticipation of securing a promoter, staff will be seeking approval of resolutions for street closure through CalTrans in a separate Council action.

E-4

REQUEST FOR ACTION

MEETING DATE: 12/6/2004

DEPARTMENT ID NUMBER:CS04-038

Attachment(s):

City Clerk's Page Number	No.	Description
3	1.	Excerpt from Race Pace Promotions Agreement
5	2.	Letter from Race Pace Promotions

E-4.2

ATTACHMENT #1

E-4.3

NOW, THEREFORE, CITY and RACE PACE do mutually agree that RACE PACE shall conduct the EVENT on Superbowl Sunday of each January (or on a date mutually agreed to by the parties) between the years 2000 to 2009 using Huntington Beach as the site under the following terms and conditions:

SECTION 1. AUTHORITY

This Agreement is subject to Huntington Beach Municipal Code, Chapter 5.68, Specific Events, which requires, among other things, for RACE PACE to apply for and process an annual permit for the EVENT. Application to the Specific Events Committee may be made at any time throughout the year, but not later than ninety (90) days prior to each year's EVENT. Specific guidelines for each EVENT will be developed each year, depending upon alterations to the EVENT.

SECTION 2. APPLICATION AND PERMIT FEES

All fees are reviewed and approved by the Huntington Beach City Council on an annual basis and may be subject to change. RACE PACE shall pay a non-refundable Seventy-five Dollar (\$75) application fee prior to each year's EVENT. RACE PACE shall pay a permit fee of Five Hundred Dollars (\$500) per day (EVENT days only), which is due fourteen (14) days prior to the start of each year's EVENT.

SECTION 3. TERM

This Agreement shall apply to the EVENT for the years 2000 through 2009 and shall remain in effect until February 1, 2009 (or later in the year 2009 if the parties mutually agree to hold the EVENT on a subsequent date in the year 2009), or until such time as either party gives the other party eleven (11) months written notice that it no longer mutually agrees to the terms and conditions set forth above.

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ATTACHMENT #2

E-4.5

October 26, 2004

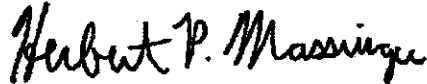
Jim Engle
Community Services Director
City of Huntington Beach
Huntington Beach, CA

Dear Jim,

I am no longer going to be conducting the Pacific Shoreline Marathon. I wish to exercise my option to cancel the contract with the city. I'm sorry I'm not giving you the 11 month advance notice, but I know from our discussions that you understand.

Thank you for all of your support over the years and I wish you and the Pacific Shoreline Marathon continued success.

Sincerely,

A handwritten signature in black ink that reads "Herbert P. Massinger". The signature is written in a cursive, flowing style.

Herb Massinger
President
Pacific Shoreline Marathon

E-4.6